

AO 91 (Rev. 11-15-10) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

AUG 20 2015

David J. Bradley, Clerk of Court

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas



United States of America

v.

Gregg Carl Baird

Case No.

H15-1187M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 2015 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18 USC 2252A(a)(2)

Possession of Child Pornography

Title 18 USC 2252A(a)(5)(B)

Receipt of Child Pornography

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Robert J. Guerra, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/20/2015City and state: Houston. Texas

Judge's signature

Nancy K. Johnson, USMJ

Printed name and title

**TIT AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Robert J. Guerra, being duly sworn, depose and state:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), assigned to the Special Agent in Charge (SAC), in Houston, Texas. I have been so employed since November 2005. As part of my daily duties as an FBI agent, I am assigned to the FBI Houston Child Exploitation Task Force which, among other things, investigates criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2252A and 2252A et seq. I have received training in the area of child pornography and child exploitation. I have had the opportunity to observe and review numerous examples of child pornography in all forms of media including computer media. Child Pornography, as defined in 18 U.S.C. § 2256, is:

“any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where – (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; . . . [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.” For conduct occurring after April 30, 2003, the definition also includes “(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from that of a minor engaging in sexually explicit conduct.”

2. This Affidavit is made in support of a criminal complaint charging Gregg Carl BAIRD with violating 18 U.S.C. § 2252A(a)(2) & (a)(5)(B), which makes it a crime to receive and possess child pornography.
3. I am familiar with the information contained in this Affidavit based upon the investigation I have personally conducted and my conversations with other law enforcement officers involved in this investigation, or who have engaged in numerous investigations involving child pornography.

4. Because this Affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation, I have set forth only those facts that I believe are necessary to establish probable cause that evidence of a violation of 18 U.S.C. § 2252A(a)(2) & (a)(5)(B) has been committed by Gregg Carl BAIRD on or about August 20, 2015. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part.
5. Through an investigation conducted by SA Guerra, the Houston FBI Child Exploitation Task Force executed a search warrant issued by United States Magistrate Nancy K. Johnson at the residence of Gregg Carl BAIRD located in Spring, Texas, on August 20, 2015. The search warrant was obtained based on information that led investigators to believe that BAIRD was accessing files from a website known to contain child pornography. BAIRD accessed a file containing an image that depicted 3 prepubescent boys engaged in explicit sexual activity. One child is on his back while performing oral sex on the second child, while the third child is inserting his penis into the anus of the child on his back. BAIRD also accessed a link that contained over 30 contact sheets of child pornography. A contact sheet is an image that displays several images as an array of thumbnails. Some of the images depicted a prepubescent male being anally penetrated by another child's penis. Other images depicted a male child being orally penetrated by an adult male's penis.
6. Following the execution of the federal search warrant, SA Robert J. Guerra and SA Patrick Fransen interviewed BAIRD at the FBI Houston Office.
7. After being advised of his Miranda warnings and agreeing to speak to law enforcement officials, BAIRD admitted he had downloaded and viewed child pornography from the internet. BAIRD stated that he knew the search warrant for his home was for child pornography, and that law

enforcement officers would, in fact, find child pornography on his 64GB thumb drive he had in his drawer. BAIRD stated that agents would find “a lot” of child pornography on his thumb drive.

8. During an on scene preview of BAIRD’s thumb drive, SA Guerra was able to view images that obviously met the federal definition of child pornography which BAIRD had in his possession. SA Guerra viewed approximately fifty (50) child pornography images on BAIRD’s thumb drive. The majority of the images SA Guerra viewed depicted prepubescent (typically under the age of fifteen (15)) boys with their genitals lasciviously displayed. BAIRD also possessed images of child pornography depicting prepubescent males being penetrated orally and anally. SA Guerra believes, based on his training and experience, that the images possessed by BAIRD are child pornography as defined in Title 18, United States Code, Section 2256. BAIRD is a registered sex offender and is currently on parole for Possession of Child Pornography.
9. Based upon the information delineated above, I believe that probable cause exists for the issuance of a Criminal Complaint charging Gregg Carl BAIRD with a violation of 18 U.S.C. § 2252A(a)(2) & (a)(5)(B)—receipt and possession of child pornography.



Robert J. Guerra  
Special Agent, FBI

Subscribed and sworn before me this 20<sup>th</sup> of August 2015, and I find probable cause.



Nancy K. Johnson  
United States Magistrate Judge